

## ARMSTRONG TEASDALE LLP

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**Date:** February 25, 2009**Please Deliver To:****Name:**

**Firm:** United States Patent and Trademark Office  
Mail Stop Petitions

**Fax:** 571-273-0025**Docket Number:** 13DV-14119**From:** Kevin K. Jones, Reg. No.: 56,809

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FEB 25 2009  
OFFICE OF PETITIONS

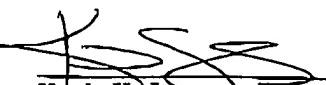
**DOCUMENTS SUBMITTED WITH TRANSMISSION:**

1. *Petition to Withdraw Holding of Abandonment Based on Failure to Receive Notice of Allowance 37 CFR 1.17(l) (6 pages including copy)*
2. *Affidavit (1 pages)*
3. *Docket Record (4 pages)*

Total pages including cover page: 12  
If all pages are not received, please contact Dawn Benson at (314) 621-5070 ext. 7003

**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this paper is being facsimile transmitted to the U.S. Patent and Trademark Office, Facsimile Number 1-571-273-0025, on the date shown below.

**Date:** February 25, 2009
  
 Kevin K. Jones  
 Registration No. 56,809

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13DV-14119  
PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Elizabeth Anne Earley, et al.

Serial No.: 10/072,391

Filed: February 5, 2002

For: DIGITAL COCKPIT

: Art Unit: 2166

: Examiner: Woo, Isaac M.

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OFFICE OF PETITIONS

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED ON  
FAILURE TO RECEIVE NOTICE OF ALLOWANCE**

Mail Stop: Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Applicants hereby petition to withdraw the holding of abandonment in the above-referenced Utility Patent Application for failure to receive a Notice of Allowance. Specifically, our office did not receive the Notice of Allowance mailed by the U.S. Patent and Trademark Office ("PTO") to Applicants on October 14, 2008. Applicants' first notification that the PTO had mailed the Notice of Allowance was the receipt of the Notice of Abandonment, dated February 10, 2009, for failing to timely pay the issue fee. The following authorization and statements are provided in support of this Petition, Applicants state:

1. A search of the file jacket and the docket records in the attorney's office indicates that this Notice of Allowance was not received. Attached, is an affidavit by the undersigned, Robert B. Reeser, III, attorney with Armstrong Teasdale LLP, attesting that upon examination of the application's file jacket and docket records, Applicants' file indicates the last correspondence received from the PTO is the Advisory Action dated August 27, 2008, which was received and docketed by

13DV-14119  
PATENT

Applicants on September 2, 2008, and does not include the Notice of Allowance, dated October 14, 2008.

2. This Petition is being filed within (2) months of the Applicants' first notification of abandonment.
3. Enclosed is a copy of a printout of the docket record where the non-received Notice of Allowance would have been entered had it been received and docketed. Applicants' understanding is that the PTO's records show that the Notice of Allowance was mailed on October 14, 2008. With a mailing date of October 14, 2008, the issue fee would have been due January 14, 2009. The enclosed docket records do not show such an action due in the present application, which has an internal reference number of 12729-188. The last entry on the enclosed docket is the filing of the request for continued examination filed on September 8, 2008.

4. Additionally, in anticipation that the Applicants' Petition will be granted, Applicants submit herewith:

- a) authorization to charge the issue fee and publication fee is set forth below in Paragraph (5); and
- b) authorization to charge the petition fee (37 C.F.R. 1.17(l)) is set forth below in Paragraph (5).

5. Fees:

a.	Payment of the issue fee required	\$ 1,510.00
b.	Payment of the publication fee	\$ 300.00
c.	Petition Fee (37 C.F.R. 1.17(l))	\$ 540.00
TOTAL FEES DUE:		\$ 2,350.00

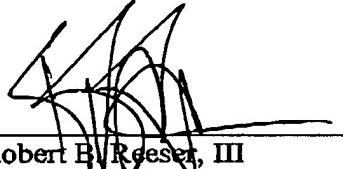
13DV-14119  
PATENT

d. The Commissioner is hereby authorized to charge payment of the total fees due in the amount of \$2,350.00, any deficiencies in the enclosed fees, or credit any overpayment, to Deposit Account No. 01-2384. (A duplicate of this petition is enclosed.)

Applicants respectfully submit that Applicants' file jacket and docket report are evidence in support of the Applicants' declaration that the Notice of Allowance was never received. Therefore, Applicants respectfully request that the holding of abandonment for failure to pay the issue fee be withdrawn.

For the reasons set forth above, Applicants respectfully request that the holding of abandonment be withdrawn, or in the alternative, that the subject application be revived.

Respectfully submitted,

  
\_\_\_\_\_  
Robert B. Reeser, III  
Registration No. 45,548  
ARMSTRONG TEASDALE LLP  
One Metropolitan Square, Suite 2600  
St. Louis, Missouri 63102-2740  
(314) 621-5070

13DV-14119  
PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Elizabeth Anne Earley, et al.

Serial No.: 10/072,391

Filed: February 5, 2002

For: DIGITAL COCKPIT

Art Unit: 2166

Examiner: Woo, Isaac M.

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**PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED ON  
FAILURE TO RECEIVE NOTICE OF ALLOWANCE**

Mail Stop: Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Applicants hereby petition to withdraw the holding of abandonment in the above-referenced Utility Patent Application for failure to receive a Notice of Allowance. Specifically, our office did not receive the Notice of Allowance mailed by the U.S. Patent and Trademark Office ("PTO") to Applicants on October 14, 2008. Applicants' first notification that the PTO had mailed the Notice of Allowance was the receipt of the Notice of Abandonment, dated February 10, 2009, for failing to timely pay the issue fee. The following authorization and statements are provided in support of this Petition, Applicants state:

1. A search of the file jacket and the docket records in the attorney's office indicates that this Notice of Allowance was not received. Attached, is an affidavit by the undersigned, Robert B. Reeser, III, attorney with Armstrong Teasdale LLP, attesting that upon examination of the application's file jacket and docket records, Applicants' file indicates the last correspondence received from the PTO is the Advisory Action dated August 27, 2008, which was received and docketed by

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Applicants on September 2, 2008, and does not include the Notice of Allowance, dated October 14, 2008.

2. This Petition is being filed within (2) months of the Applicants' first notification of abandonment.
  3. Enclosed is a copy of a printout of the docket record where the non-received Notice of Allowance would have been entered had it been received and docketed. Applicants' understanding is that the PTO's records show that the Notice of Allowance was mailed on October 14, 2008. With a mailing date of October 14, 2008, the issue fee would have been due January 14, 2009. The enclosed docket records do not show such an action due in the present application, which has an internal reference number of 12729-188. The last entry on the enclosed docket is the filing of the request for continued examination filed on September 8, 2008.
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5. Fees:
- |                                      |                    |
|--------------------------------------|--------------------|
| a. Payment of the issue fee required | \$ 1,510.00        |
| b. Payment of the publication fee    | \$ 300.00          |
| c. Petition Fee (37 C.F.R. 1.17(l))  | \$ 540.00          |
| <b>TOTAL FEES DUE:</b>               | <b>\$ 2,350.00</b> |

13DV-14119  
PATENT

d. The Commissioner is hereby authorized to charge payment of the total fees due in the amount of \$2,350.00, any deficiencies in the enclosed fees, or credit any overpayment, to Deposit Account No. 01-2384. (A duplicate of this petition is enclosed.)

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Respectfully submitted,

  
\_\_\_\_\_  
Robert B. Reeser, III  
Registration No. 45,548  
ARMSTRONG TEASDALE LLP  
One Metropolitan Square, Suite 2600  
St. Louis, Missouri 63102-2740  
(314) 621-5070

**AFFIDAVIT OF ROBERT B. REESER, III**

I, Robert B. Reeser, III, an attorney with Armstrong Teasdale LLP and Attorney of Record for Utility Patent Application identified as: Atty. Dkt. No.: 13DV-14119; Serial No.: 10/072,391; Entitled: DIGITAL COCKPIT; hereby certify:

a) the Notice of Allowance dated: October 14, 2008, was never received by Armstrong Teasdale LLP; and

c) that I was first notified of the abandonment of the above-referenced Utility Patent Application upon receipt of the Notice of Abandonment dated: February 10, 2009, and received by Armstrong Teasdale LLP on or about February 16, 2009.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: Feb 25, 2009

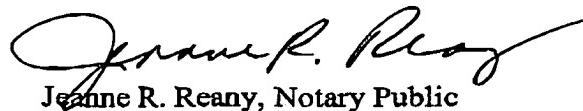
STATE OF MISSOURI      )  
                                )  
CITY OF ST. LOUIS        ) ss.



Robert B. Reeser, III

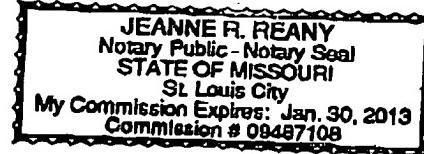
On this 25th day of February in the year 2009, before me, Jeanne R. Reany, a Notary Public in and for said State, personally appear Robert B. Reeser, III, known to me to be the person who executed the within Affidavit, and acknowledged to me that he executed the same for the purposes therein stated.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in the City and State aforesaid, the day and year first above written.



Jeanne R. Reany  
Jeanne R. Reany, Notary Public

My Commission Expires: January 30, 2013



Patent Case Print [ID 1670]

Page 1 of 4



**Patent: 12729-00188, United States, Regular,  
National, Original Filing**

**Patent Data**

Client-Matter No.	12729-00188	Attorney	William J. Zychlewicz
Country	United States	Agent	
Case Type	Regular	Client\Division	GE Aircraft Engines
Relation Type	Original Filing	Current Owner	General Electric Company
Filing Type	National	Previous Owner	
Filing Number		Client Ref. No	13DV-14119
Status	Filed	First Filing Date	2/5/2002
Sub Status		Sub Status Date	
Parent Country		Parent Filing Date	
Parent Number		Parent Grant Date	
Application Number	10/072391	Application Date	2/5/2002
Patent Number		Grant Date	
Publication Number	2003-0149682	Publication Date	8/7/2003
Assigned	Assignment Recorded	Ind. Claims\Designs	0
Convention Type		Total Claims	0
Custom Code #1		Total Classes	
TaxAgent		ConfirmationNumber	
Operating Group		Tax Base Date	
Resp Atty 1		Next Tax Date	
Resp Atty 2		Expiration Date	
Custom Party #3		Custom Text #1	
Custom Party #4		Custom Date #1	
Custom Party #5		Custom Text #2	
Custom Party #6		Custom Date #2	
Custom Party #7		Custom Text #3	
Custom Party #8		Custom Date #3	
Agent Ref No		Custom Text #4	
Custom Code #2		Custom Date #4	
Custom Code #3		Text #5	
Custom Code #4		Text #6	
Custom Code #5		Text #7	
Custom Code #6		Text #8	
Custom Code #7		Text #9	
Customer Code	AEPP	Customer Name	Armstrong, Teasdale

**Title**

DIGITAL COCKPIT

**Description**

Confirmation No. 4892

**Current Expense Information****Other Case-Related Information****Actions**

Action	Action Due Date	Completed Date	Responsible Atty #1	Responsible Atty #2	Action Notes
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## Patent Case Print [ID 1670]

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1-Mo to Appln Completion Due Date	6/1/2001	2/5/2002	Projected application completion date is 6/10/01
Projected Appln Completion Date	6/10/2001	2/5/2002	
Post Card Returned?	3/5/2002	2/28/2002	
Formal Drawings Ordered?	3/5/2002	2/5/2002	
IDS Reminder	4/5/2002	2/5/2002	
Filing Receipt Received?	4/5/2002	3/14/2002	
Foreign Filing Reminder 3 MO	5/5/2002	8/7/2002	
Info Disc. Statement Due	5/5/2002	2/5/2002	
Formal Drawings Filed?	5/5/2002	2/5/2002	
Assignment back from PTO?	6/5/2002	5/14/2002	
Foreign Filing Reminder 5 MO	7/5/2002	8/7/2002	
LTC re Foreign Filing (6 mo.)	8/5/2002	8/7/2002	
Reminder LTC re FF If Instruct not recd	11/5/2002	6/2/2003	
WARNING: Foreign Filing due in 1 MO!	1/5/2003	6/2/2003	
Foreign File Deadline - FINAL	2/5/2003	6/2/2003	
Publication 5-Mo Reminder	3/5/2003	3/14/2002	
Publication 5-Mo Reminder	3/7/2003	6/2/2003	
Filed/Status Check	5/5/2003	6/2/2003	
Published	8/5/2003	3/14/2002	
Revised Publication Date	8/7/2003	8/7/2003	
Restriction Mail Dt	6/2/2004	6/7/2004	
Restriction	7/2/2004	6/18/2004	
Restriction-1st Ext.	8/2/2004	6/18/2004	
Status Check	8/21/2004	6/7/2004	Status Request filed 7/7/2003....Received Status Letter Reply indicating that it will be more than 15 months (from 8/21/2003) before this application will receive a first office action....have we heard from the PTO?
Restriction-2nd Ext.	9/2/2004	6/18/2004	
Restriction-3rd Ext.	10/2/2004	6/18/2004	
Restriction-4th Ext.	11/2/2004	6/18/2004	
Restriction Final Deadline	12/2/2004	6/18/2004	
Status Check	9/14/2005	9/15/2005	Response to Restriction filed 6/18/2004....Status Request filed 9/16/2004....Status Request filed 3/14/2005...,have we heard from the PTO?
PETITION TO REVIVE	12/29/2005	1/18/2006	Abandoned for failure to respond to 6/4/2004 OA...File Petition to Revive.
Status Check	2/1/2007	8/29/2006	Response to Restriction filed 6/18/2004....Status Request filed 9/16/2004....Status Request filed 3/14/2005....Status request filed 9/15/2005 ... Petition to Withdraw the Holding of Abandonment filed 1/18/2006....Status Request filed

## [Patent Case Print [ID 1670]]

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1st Office Action	7/19/2007	7/19/2007	
Mail Date			
Amendment Due 1-	8/19/2007	9/17/2007	Mike R. Anslinger
MO Reminder (1st OA)			
Amendment Filed	9/17/2007	9/17/2007	
Amendment Due 2-	9/19/2007	9/17/2007	Mike R. Anslinger
MO Reminder (1st OA)			
Amendment Due (1st OA)	10/19/2007	9/17/2007	Mike R. Anslinger
Status Check	10/25/2007	7/25/2007	
Restriction Mail Dt	10/29/2007	10/29/2007	
Amendment Due w/1-Mo. Extension (1st OA)	11/19/2007	9/17/2007	Mike R. Anslinger
Amendment Filed	11/26/2007	11/26/2007	
Restriction	11/29/2007	11/26/2007	
Amendment Due w/2-Mo. Extension (1st OA)	12/19/2007	9/17/2007	Mike R. Anslinger
Restriction-1st Ext.	12/29/2007	11/26/2007	
Last Date to Amend w/3-Mo Extension (1st OA)	1/19/2008	9/17/2007	Mike R. Anslinger
Restriction-2nd Ext.	1/29/2008	11/26/2007	
1st Office Action	2/1/2008	2/1/2008	
Mail Date			
Status Check	2/26/2008	2/4/2008	Mike R. Anslinger
Restriction-3rd Ext.	2/29/2008	11/26/2007	
Amendment Due 1-	3/1/2008	3/1/2008	
MO Reminder (1st OA)			
Supplemental IDS Due	3/1/2008	3/1/2008	
Amended/Status Check	3/17/2008	11/1/2007	Mike R. Anslinger
Restriction-4th Ext.	3/29/2008	11/26/2007	
Amendment Due 2-	4/1/2008	4/15/2008	
MO Reminder (1st OA)			
Amendment Filed	4/15/2008	4/15/2008	
Restriction Final Deadline	4/29/2008	11/26/2007	
Amendment Due (1st OA)	5/1/2008	4/15/2008	
Supplemental IDS Due	5/1/2008	5/1/2008	
Final Rejection Mail Dt	5/16/2008	5/16/2008	
Amendment Due w/1-Mo. Extension (1st OA)	6/1/2008	4/15/2008	
Amendment Due w/2-Mo. Extension	7/1/2008	4/15/2008	

8/1/2006....have we heard from the PTO?

Received Decision on Petition dated 8/25/2006  
 Granting our Petition to withdraw holding of  
 abandonment....have we heard from the PTO?

Per RBR 3/15/2008 DSR...In progress.

Notice of References Cited included with Office  
 Action....please review for possible IDS in related  
 cases.

Per WJZ 4/7/08 DSR...Not needed....Notice of  
 References Cited included with Office  
 Action....please review for possible IDS in related  
 cases.

## Patent Case Print [ID 1670]

Page 4 of 4

## (1st OA)

Amended/Status Check	7/15/2008	5/16/2008				
Res Provoke Advisory Act	7/16/2008	8/18/2008	Kevin K. Jones	Robert B. Reeser, III	UNDER FINAL, file amendment? Must APPEAL/RCE by 11/16/2008!	
Last Date to Amend w/3-Mo Extension (1st OA)	8/1/2008	4/15/2008				
Supplemental IDS Due	8/16/2008	8/16/2008	Kevin K. Jones	Robert B. Reeser, III	Per KKJ 8/13/2008 DSR - Not needed...Notice of References Cited Included with OA...pls review for possible IDS in related cases.	
Final Rejection Due	8/16/2008	8/18/2008	Kevin K. Jones	Robert B. Reeser, III	UNDER FINAL, file amendment? Must APPEAL/RCE by 11/16/2008!	
Appeal Due	8/16/2008	5/16/2008				
Amendment Filed	8/18/2008	8/18/2008				
RCE Application Filed	9/8/2008	9/8/2008				
Final Rejection 1st Extension	9/16/2008	9/8/2008	Kevin K. Jones	Robert B. Reeser, III	UNDER FINAL, filed amendment 8/18/2008...rec'd Advisory Action dated 8/27/2008! Must APPEAL/RCE by 11/16/2008!	
Appeal Due w/1st Extension	9/16/2008	5/16/2008				
RCE Post Card returned?	10/8/2008	9/8/2008				
Final Rejection 2nd Extension	10/16/2008	9/8/2008	Kevin K. Jones	Robert B. Reeser, III	UNDER FINAL, filed amendment 8/18/2008...rec'd Advisory Action dated 8/27/2008! Must APPEAL/RCE by 11/16/2008!	
Appeal Due w/2nd Extension	10/16/2008	5/16/2008				
FINAL REJ. DEADLINE-NO EXT AVAIL.	11/16/2008	9/8/2008	Kevin K. Jones	Robert B. Reeser, III	UNDER FINAL, filed amendment 8/18/2008...rec'd Advisory Action dated 8/27/2008! Must APPEAL/RCE by TODAY!	
APPEAL DUE- NO EXT. AVAILABLE	11/16/2008	9/8/2008	Kevin K. Jones	Robert B. Reeser, III	UNDER FINAL, filed amendment 8/18/2008...rec'd Advisory Action dated 8/27/2008! Must APPEAL/RCE by TODAY!	

RCE Status Check - 3/8/2009  
6 Mo.

## Inventors

Inventor Name	Assignment Date	Inventor
Elizabeth Anne Earley	1/31/2002	Elizabeth Anne Earley
James Geoffrey Chirumbolo	1/30/2002	James Geoffrey Chirumbolo
Kristin Sherwin Meyer	1/21/2002	Kristin Sherwin Meyer
Michael Scott Godbey	2/1/2002	Michael Scott Godbey
Thomas Paul Brady	2/1/2002	Thomas Paul Brady
Christopher Balfour Lorence	1/31/2002	Christopher Balfour Lorence
David Andrew Rice	2/1/2002	David Andrew Rice

## Other Nos

Other Number Code Other Number Other Number Date  
Reel & Frame # 012656/0802 2/5/2002

CreateUser: MCC

CreateDate: 5/31/2001

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UpdateUser: evans

UpdateDate: 9/10/2008

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\*\*\* RX REPORT \*\*\*  
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RECEPTION OK

TX/RX NO 5487  
RECIPIENT ADDRESS 3146215070  
DESTINATION ID  
ST. TIME 02/25 16:36  
TIME USE 01 '28  
PGS. 12  
RESULT OK

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